

12 July 2004

Patent- och registreringsverket
Valhallavägen 136
P.O. Box 5055
S-102 42 STOCKHOLM
Sweden

Authorized Officer:
Our ref: BP103420/TKO/MG

REPLY TO WRITTEN OPINION
INTERNATIONAL PATENT APPLICATION PCT/FI2002/000645
APPLICANT: NOKIA CORPORATION
DUE DATE:

On account of the Written Opinion issued on 12.05.2004 we submit the following:

It is requested to grant a positive International Preliminary Examination on basis of the following argumentation.

Novelty (Art. 33(2))

We appreciate Examiner's view on the Novelty of the present invention.

Inventive Step (Art. 33(3) PCT)

We agree the difference cited in the Written Opinion by the mobile station indicating the electronic mail message by a level as to a preference of the electronic mail message for a user of the mobile station.

Furthermore, D1 fails to disclose that data information indicating the preference of the email is transmitted between the mobile station and the network server.

Yet furthermore, D1 fails to disclose that said data information is processed for resulting in an order of preference for emails for the user.

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Another significant difference missing in D1 is that D1 very cursorily cites the mobile station (only in Fig. 1b and col. 2 lines 66). This particularly indicates that D1 is indented for a different technical situation.

The technical effect of these differences is that the user of the mobile station is able prioritise email messages, the prioritizing being based on the emails itself, and therefore user being able to smoothly face the emails by his mobile station.

The objective problem underlying the invention is thus to provide prioritizing of emails by using the emails itself. Regrettably we cannot agree with the problem proposed by the examiner because it includes the features of the solution, and more importantly is actually solved by D1 itself (obviousness cannot be possible because of above significant differences between D1 and the present invention: there is no factual teaching that would point them).

This problem is being solved by the independent claims, i.e. by indicating the electronic mail message by a level as to a preference of the electronic mail message for a user of the mobile station, transferring data information indicating the preference to a computing system (204,206) operating a mail agent (208), and processing data information indicating the preference for resulting in an order of preference for electronic mail messages for the user.

Starting from D1 as closest prior art, the skilled person would thus not find the solution to the objective problem formulated above because D2 factually fails to disclose the teaching that actual emails itself are indicated and processed for resulting the order of preference for emails for the user.

Even if the skilled person using hindsight would consider D2, he could only see the emails are addressed in D2 only as a way to address communication. Thus the actual emails itself are not indicated and processed for accordingly resulting in the preference list.

D2 actually teaches away from the present invention by introducing separate questionnaires or questionnaire forms. Furthermore, it's clear the questionnaire of D2 contains various questions, thereby generating the order of preference rather similarly as in D1: by more readily and more heavily processed preference list. This is not the case in the present invention because it is more simply concentrated on indicating the actual email itself as to the preference and generating the order of preference gradually by processing various results.



Thus the combination of D1 and D2 would result in a system where a separate questionnaire of D2 is used to create a ready and heavy preference list. The processing of the actual emails would only take place after the user has specially selected the preference list to use for prioritising (see teaching of D1).

Thus starting from D1 as the closest prior art, the skilled person would not arrive at the combination of features of the present invention.

Thus we kindly ask the Examiner to objectively (i.e. without hindsight, with facts of D1 & D2 and with the appropriate problem-solution approach) to reconsider the inventive merits of the present invention.

Therefore, it is concluded that the subject-matter of independent claims implies an inventive step having regard the cited prior art and thus satisfies Art. 33(2) PCT. Should the examiner consider any negative comments in the IPER, we request to be given an additional opportunity to submit amendments or arguments in accordance with Rule 66.4 (b) PCT.

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Tomi Konkonen
Patent Attorney